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8 *Attorneys for Petitioner*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12  
13 **WILLIAM PRASIFKA,**  
Executive Director,  
14 Medical Board of California,  
Department of Consumer Affairs,  
15 State of California,

Petitioner,

16  
17 v.

18 **JOHN GILBERT MCNUTT, M.D.**  
1 Beacon Pt.  
Ladera Ranch, CA 92694-0536

19  
20 **Physician's and Surgeon's Certificate**  
**No. A 61636,**

21 Respondent.

Case No. 800-2020-069903

OAH No. 2022050449

**STIPULATION OF THE PARTIES RE:**  
**INTERIM ORDER IMPOSING LICENSE**  
**RESTRICTIONS AND ORDER**

22  
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. William Prasifka (Petitioner) is the Executive Director of the Medical Board of  
27 California (Board). He brought this action solely in his official capacity and is represented in this

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1 matter by Rob. Bonta, Attorney General of the State of California, by Deputy Attorney General  
2 Christine A. Rhee.

3 2. Respondent John Gilbert McNutt, M.D. (Respondent) is represented in this  
4 proceeding by attorney Kathleen Brahn, Esq., whose address is: 790 East Colorado Boulevard, 9<sup>th</sup>  
5 Floor, Pasadena, CA 91101.

6 **JURISDICTION**

7 3. On or about February 14, 1997, the Board issued Physician's and Surgeon's  
8 Certificate No. A 61636 to Respondent. The Physician's and Surgeon's Certificate was in full  
9 force and effect at all times relevant herein and will expire on October 31, 2022, unless renewed.

10 4. Pursuant to the provisions of California Government Code section 11529, an  
11 administrative law judge of the Medical Quality Hearing Panel established pursuant to section  
12 11371 may issue an interim order suspending a license, or imposing drug testing, continuing  
13 education, supervision of procedures, or other license restrictions. Interim orders may be issued  
14 only if the affidavits in support of the petition show that the licensee has engaged in, or is about to  
15 engage in, acts or omissions constituting a violation of the Medical Practice Act or the  
16 appropriate practice act governing each allied health profession, or is unable to practice safely due<sup>0th</sup>  
17 to a mental or physical condition, and that permitting the licensee to continue to engage in the  
18 profession for which the license was issued will endanger the public health, safety, or welfare.  
19 Interim orders may also be issued without notice if it appears from the facts shown by affidavit  
20 that serious injury would result to the public before the matter can be heard on notice.

21 **FACTUAL BASIS FOR INTERIM ORDER IMPOSING LICENSE RESTRICTIONS**

22 5. Respondent does not contest that, at an administrative proceeding, Petitioner could  
23 establish a prima facie case with respect to the allegation that Respondent is presently unable to  
24 practice medicine safely without restrictions due to a mental or physical condition. The  
25 admissions made by Respondent herein are only for the purposes of this Interim Suspension  
26 Order proceeding and shall not be admissible in any other criminal or civil proceeding.

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6. Respondent agrees to the issuance of an Interim Order Imposing License Restrictions under Government Code section 11529, immediately restricting his Physician's and Surgeon's Certificate No. A 61636 as detailed in paragraph 8, below.

7. In exchange for Respondent's admissions, above, Petitioner agrees to file this stipulation in lieu of filing a petition for interim suspension order and supporting affidavits with the Office of Administrative Hearings in San Diego, California.

8. Based on the foregoing stipulations and agreements, the parties hereby stipulate and agree that an interim order imposing the following license restrictions on Respondent's Physician's and Surgeon's Certificate No. A 61636 should be issued forthwith by the Office of Administrative Hearings, in order to protect the public health, safety and welfare. The parties further stipulate and agree that, once this interim order imposing license restrictions is issued by the Office of Administrative Hearings, Respondent shall be required to fully comply with the following license restrictions until issuance of a final decision by the Medical Board of California on an Accusation to be filed against him, or until further order from the Office of Administrative Hearings:

A. ALCOHOL – ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until the cease practice order is lifted or a final decision on an accusation is effective, if whichever occurs first.

B. CONTROLLED SUBSTANCES – ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications

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1 lawfully prescribed to Respondent by another practitioner for a bona fide illness or  
2 condition.

3 Within 15 calendar days of receiving any lawfully prescribed medications,  
4 Respondent shall notify the Board or its designee of the issuing practitioner's name,  
5 address, and telephone number; medication name, strength, and quantity; and issuing  
6 pharmacy name, address, and telephone number.

7 If Respondent has a confirmed positive biological fluid test for any substance  
8 (whether or not legally prescribed) and has not reported the use to the Board or its  
9 designee, Respondent shall receive a notification from the Board or its designee to  
10 immediately cease the practice of medicine. Respondent shall not resume the practice  
11 of medicine until the cease practice order is lifted or a final decision on an accusation  
12 is effective, whichever occurs first.

13 C. PSYCHOTHERAPY. Within 60 calendar days of the effective date of  
14 this Stipulation, Respondent shall submit to the Board or its designee for prior approval  
15 the name and qualifications of a California-licensed psychiatrist who is board certified  
16 in addiction psychiatry or a licensed psychologist who has a doctoral degree in  
17 psychology and at least five years of postgraduate experience in the diagnosis and  
18 treatment of emotional and mental disorders. Upon approval, Respondent shall  
19 undergo and continue psychotherapy treatment, including any modifications to the  
20 frequency of psychotherapy, until the Board or its designee deems that no further  
21 psychotherapy is necessary.

22 The psychotherapist shall consider any information provided by the Board or its  
23 designee and any other information the psychotherapist deems relevant and shall  
24 furnish a written evaluation report to the Board or its designee. Respondent shall  
25 cooperate in providing the psychotherapist with any information and documents that  
26 the psychotherapist may deem pertinent.

27 Respondent shall have the treating psychotherapist submit quarterly status  
28 reports to the Board or its designee. The Board or its designee may require Respondent

1 to undergo psychiatric evaluations by a Board-appointed, board certified psychiatrist.  
2 If Respondent is found to be mentally unfit to resume the practice of medicine without  
3 restrictions, Respondent shall receive a notification from the Board or its designee to  
4 immediately cease the practice of medicine. Respondent shall not resume the practice  
5 of medicine until the cease practice order is lifted or a final decision on an accusation is  
6 effective, whichever occurs first.

7 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

8 D. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION.

9 Within seven (7) days of the effective date of this Stipulation, Respondent shall  
10 provide to the Board the names, physical addresses, mailing addresses, and telephone  
11 numbers of any and all employers and supervisors. Respondent shall also provide  
12 specific, written consent for the Board, Respondent's worksite monitor, and  
13 Respondent's employers and supervisors to communicate regarding Respondent's  
14 work status, performance, and monitoring.

15 For purposes of this section, "supervisors" shall include the Chief of Staff and  
16 Health or Well Being Committee Chair, or equivalent, if applicable, when the  
17 Respondent has medical staff privileges.

18 E. BIOLOGICAL FLUID TESTING. Respondent shall immediately  
19 submit to biological fluid testing, at Respondent's expense, upon request of the Board  
20 or its designee. "Biological fluid testing" may include, but is not limited to, urine,  
21 blood, breathalyzer, hair follicle testing, or similar drug screening approved by the  
22 Board or its designee. Respondent shall make daily contact with the Board or its  
23 designee to determine whether biological fluid testing is required. Respondent shall be  
24 tested on the date of the notification as directed by the Board or its designee. The  
25 Board may order a Respondent to undergo a biological fluid test on any day; at any  
26 time, including weekends and holidays. Except when testing on a specific date as  
27 ordered by the Board or its designee, the scheduling of biological fluid testing shall be  
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1 done on a random basis. The cost of biological fluid testing shall be borne by the  
2 Respondent.

3 Respondent shall be subject to 52 to 104 random tests. Respondent shall  
4 contract with a laboratory or service, approved in advance by the Board or its designee,  
5 that will conduct random, unannounced, observed, biological fluid testing and meets all  
6 of the following standards:

7 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing  
8 Industry Association or have completed the training required to serve as a collector  
9 for the United States Department of Transportation.

10 (b) Its specimen collectors conform to the current United States Department of  
11 Transportation Specimen Collection Guidelines.

12 (c) Its testing locations comply with the Urine Specimen Collection Guidelines  
13 published by the United States Department of Transportation without regard to the  
14 type of test administered.

15 (d) Its specimen collectors observe the collection of testing specimens.

16 (e) Its laboratories are certified and accredited by the United States Department  
17 of Health and Human Services.

18 (f) Its testing locations shall submit a specimen to a laboratory within one (1)  
19 business day of receipt and all specimens collected shall be handled pursuant to chain  
20 of custody procedures. The laboratory shall process and analyze the specimens and  
21 provide legally defensible test results to the Board within seven (7) business days of  
22 receipt of the specimen. The Board will be notified of non-negative results within  
23 one (1) business day and will be notified of negative test results within seven (7)  
24 business days.

25 (g) Its testing locations possess all the materials, equipment, and technical  
26 expertise necessary in order to test Respondent on any day of the week.

27 (h) Its testing locations are able to scientifically test for urine, blood, and hair  
28 specimens for the detection of alcohol and illegal and controlled substances.

1 (i) It maintains testing sites located throughout California.

2 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure  
3 on-line computer database that allows the Respondent to check in daily for testing.

4 (k) It maintains a secure, HIPAA-compliant website or computer system that  
5 allows staff access to drug test results and compliance reporting information that is  
6 available 24 hours a day.

7 (l) It employs or contracts with toxicologists that are licensed physicians and  
8 have knowledge of substance abuse disorders and the appropriate medical training to  
9 interpret and evaluate laboratory biological fluid test results, medical histories, and  
10 any other information relevant to biomedical information.

11 (m) It will not consider a toxicology screen to be negative if a positive result is  
12 obtained while practicing, even if the Respondent holds a valid prescription for the  
13 substance.

14 Prior to changing testing locations for any reason, including during vacation or  
15 other travel, alternative testing locations must be approved by the Board and meet the  
16 requirements above.

17 The contract shall require that the laboratory directly notify the Board or its  
18 designee of non-negative results within one (1) business day and negative test results  
19 within seven (7) business days of the results becoming available. Respondent shall  
20 maintain this laboratory or service contract during the period of probation.

21 A certified copy of any laboratory test result may be received in evidence in any  
22 proceedings between the Board and Respondent.

23 If a biological fluid test result indicates Respondent has used, consumed,  
24 ingested, or administered to himself a prohibited substance, the Board shall order  
25 Respondent to cease practice and instruct Respondent to leave any place of work  
26 where Respondent is practicing medicine or providing medical services. The Board  
27 shall immediately notify all of Respondent's employers, supervisors and work

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monitors, if any, that Respondent may not practice medicine or provide medical services while the cease-practice order is in effect.

A biological fluid test will not be considered negative if a positive result is obtained while practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited substance use exists, the Board shall lift the cease-practice order within one (1) business day.

After the issuance of a cease-practice order, the Board shall determine whether the positive biological fluid test is in fact evidence of prohibited substance use by consulting with the specimen collector and the laboratory, communicating with the licensee, his treating physician(s), other health care provider, or group facilitator, as applicable.

For purposes of this condition, the terms "biological fluid testing" and "testing" mean the acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

For purposes of this condition, the term "prohibited substance" means an illegal drug, a lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by Respondent and approved by the Board, alcohol, or any other substance the Respondent has been instructed by the Board not to use, consume, ingest, or administer to himself.

If the Board confirms that a positive biological fluid test is evidence of use of a prohibited substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to any other terms or conditions the Board determines are necessary for public protection or to enhance Respondent's rehabilitation.

F. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of the effective date of this Stipulation, Respondent shall submit to the Board or its designee, for its prior approval, the name of a substance abuse



1 support group which he shall attend for the duration of probation. Respondent shall  
2 attend substance abuse support group meetings at least once per week, or as ordered  
3 by the Board or its designee. Respondent shall pay all substance abuse support group  
4 meeting costs.

5 The facilitator of the substance abuse support group meeting shall have a  
6 minimum of three (3) years experience in the treatment and rehabilitation of substance  
7 abuse, and shall be licensed or certified by the state or nationally certified  
8 organizations. The facilitator shall not have a current or former financial, personal, or  
9 business relationship with Respondent within the last five (5) years. Respondent's  
10 previous participation in a substance abuse group support meeting led by the same  
11 facilitator does not constitute a prohibited current or former financial, personal, or  
12 business relationship.

13 The facilitator shall provide a signed document to the Board or its designee  
14 showing Respondent's name, the group name, the date and location of the meeting,  
15 Respondent's attendance, and Respondent's level of participation and progress. The  
16 facilitator shall report any unexcused absence by Respondent from any substance abuse  
17 support group meeting to the Board, or its designee, within twenty-four (24) hours of  
18 the unexcused absence.

19 G. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE.

20 Within thirty (30) calendar days of the effective date of this Stipulation, Respondent  
21 shall submit to the Board or its designee for prior approval as a worksite monitor, the  
22 name and qualifications of one or more licensed physician and surgeon, other  
23 licensed health care professional if no physician and surgeon is available, or, as  
24 approved by the Board or its designee, a person in a position of authority who is  
25 capable of monitoring the Respondent at work.

26 The worksite monitor shall not have a current or former financial, personal, or  
27 familial relationship with Respondent, or any other relationship that could reasonably  
28 be expected to compromise the ability of the monitor to render impartial and unbiased

1 reports to the Board or its designee. If it is impractical for anyone but Respondent's  
2 employer to serve as the worksite monitor, this requirement may be waived by the  
3 Board or its designee, however, under no circumstances shall Respondent's worksite  
4 monitor be an employee or supervisee of the licensee.

5 The worksite monitor shall have an active unrestricted license with no  
6 disciplinary action within the last five (5) years, and shall sign an affirmation that he or  
7 she has reviewed the terms and conditions of Respondent's disciplinary order and  
8 agrees to monitor Respondent as set forth by the Board or its designee.

9 Respondent shall pay all worksite monitoring costs.

10 The worksite monitor shall have face-to-face contact with Respondent in the  
11 work environment on as frequent a basis as determined by the Board or its designee,  
12 but not less than once per week; interview other staff in the office regarding  
13 Respondent's behavior, if requested by the Board or its designee; and review  
14 Respondent's work attendance.

15 The worksite monitor shall verbally report any suspected substance abuse to the  
16 Board and Respondent's employer or supervisor within one (1) business day of  
17 occurrence. If the suspected substance abuse does not occur during the Board's normal  
18 business hours, the verbal report shall be made to the Board or its designee within one  
19 (1) hour of the next business day. A written report that includes the date, time, and  
20 location of the suspected abuse; Respondent's actions; and any other information  
21 deemed important by the worksite monitor shall be submitted to the Board or its  
22 designee within 48 hours of the occurrence.

23 The worksite monitor shall complete and submit a written report monthly or as  
24 directed by the Board or its designee which shall include the following: (1)  
25 Respondent's name and Physician's and Surgeon's Certificate number; (2) the worksite  
26 monitor's name and signature; (3) the worksite monitor's license number, if applicable;  
27 (4) the location or location(s) of the worksite; (5) the dates Respondent had face-to-  
28 face contact with the worksite monitor; (6) the names of worksite staff interviewed, if

applicable; (7) a report of Respondent's work attendance; (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can lead to suspected substance abuse by Respondent. Respondent shall complete any required consent forms and execute agreements with the approved worksite monitor and the Board, or its designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

If the worksite monitor resigns or is no longer available, Respondent shall, within five (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

H. VIOLATION OF THIS STIPULATION FOR SUBSTANCE ABUSING LICENSEES. Failure to fully comply with any term or condition of this Stipulation is unprofessional conduct.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice order issued by the Board or its designee shall state that Respondent must test negative for at least a month of continuous biological fluid testing before being allowed to resume practice. For purposes of determining the

length of time a Respondent must test negative while undergoing continuous biological fluid testing following issuance of a cease-practice order, a month is defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until notified in writing by the Board or its designee that he may do so.

(2) Increase the frequency of biological fluid testing.

(3) Refer Respondent for disciplinary action, such as suspension, revocation, or other action as determined by the Board or its designee.

B. If Respondent commits a minor violation of probation as defined by section 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue a cease-practice order;

(2) Order practice limitations;

(3) Order or increase supervision of Respondent;

(4) Order increased documentation;

(5) Issue a citation and fine, or a warning letter;

(6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of Regulations, at Respondent's expense; and/or

(7) Take any other action as determined by the Board or its designee.

#### WAIVERS

9. Respondent is fully aware of all of his rights under California Government Code section 11529, subdivision (d), to a noticed hearing on the issue of whether an interim order of license restrictions should be issued in the above-entitled matter, and all other rights accorded him under California Government Code section 11529, subdivision (d), at which he is entitled, at a minimum, to all the following rights:

(a) To be represented by counsel.

(b) To have a record made of the proceedings, copies of which may be obtained by the licensee upon payment of any reasonable charges associated with the record.

1 (c) To present written evidence in the form of relevant declarations, affidavits, and  
2 documents. The discretion of the administrative law judge to permit testimony at the  
3 hearing conducted pursuant to this section shall be identical to the discretion of a superior  
4 court judge to permit testimony at a hearing conducted pursuant to Section 527 of the  
5 Code of Civil Procedure. him

6 (d) To present oral argument.

7 10. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely  
8 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in  
9 paragraph 9, above.

10 11. Respondent is fully aware of all of his rights under Government Code section  
11 11529, subdivisions (f) and (g), which state as follows:

12 (f) In all cases in which an interim order is issued, and an accusation is not  
13 filed and served pursuant to Sections 11503 and 11505 within 30 days of the date  
14 on which the parties to the hearing on the interim order have submitted the matter,  
the order shall be dissolved. Upon service of the accusation the licensee shall  
15 have, in addition to the rights granted by this section, all of the rights and  
16 privileges available as specified in this chapter. If the licensee requests a hearing  
on the accusation, the board shall provide the licensee with a hearing within 30  
17 days of the request, unless the licensee stipulates to a later hearing, and a decision  
within 15 days of the date the decision is received from the administrative law  
18 judge, or the board shall nullify the interim order previously issued, unless good  
cause can be shown by the Division of Medical Quality for a delay. him

19 (g) If an interim order is issued, a written decision shall be prepared within 15  
20 days of the hearing, by the administrative law judge, including findings of fact and  
a conclusion articulating the connection between the evidence produced at the hearing  
and the decision reached.

21 12. Having the benefit of counsel, Respondent hereby knowingly, intelligently,  
22 freely and voluntarily waives and gives up each and every one of the rights set forth and/or  
23 referenced in paragraph 11, above.

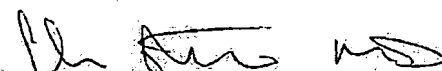
#### 24 **ADDITIONAL PROVISIONS**

25 13. The parties hereby stipulate that all proceedings in the above-entitled Interim Order  
26 Imposing License Restrictions matter shall be conducted at the Office of Administrative  
27 Hearings located in San Diego, California.


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14. The parties further stipulate that copies of this "Stipulation of the Parties Re: Interim Order Imposing License Restrictions," including copies of signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.

DATED: 5-12-22

  
JOHN GILBERT MCNUTT, M.D.  
Respondent

DATED: 05-12-2022

  
KATHLEEN BRAHN, ESQ.  
Attorney for Respondent

DATED:

ROB BONTA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
CHRISTINE A. RHEE  
Deputy Attorney General  
Attorneys for Petitioner

**INTERIM ORDER IMPOSING LICENSE RESTRICTIONS**

Based on the foregoing stipulations and agreements, an Interim Order Imposing License Restrictions is hereby issued immediately imposing license restrictions on Physician's and Surgeon's Certificate No. A 61636, heretofore issued by the Medical Board of California to Respondent John Gilbert McNutt, M.D., and, accordingly, Respondent is hereby immediately ordered to comply with all of the terms, conditions and license restrictions contained in paragraph 8, above. This Interim Order Imposing License Restrictions shall remain in full force and effect until issuance of a final decision by the Medical Board of California on an Accusation to be filed against Respondent, or until further order from the Office of Administrative Hearings. Any motion to vacate this Interim Order Imposing License Restrictions shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However,

1 14. The parties further stipulate that copies of this "Stipulation of the Parties Re: Interim  
2 Order Imposing License Restrictions," including copies of signatures appearing thereon, may be  
3 used in lieu of original documents and signatures and, further, that such copies and signatures  
4 shall have the same force and effect as originals.

5  
6 DATED: \_\_\_\_\_

7 JOHN GILBERT MCNUTT, M.D.  
8 Respondent

9 DATED: \_\_\_\_\_

10 KATHLEEN BRAHN, ESQ.  
11 Attorney for Respondent

12 DATED: May 12, 2022

13 ROB BONTA  
14 Attorney General of California  
15 ALEXANDRA M. ALVAREZ  
16 Supervising Deputy Attorney General  
17 CHRISTINE A. RHEE  
18 Deputy Attorney General  
19 Attorneys for Petitioner

20 **INTERIM ORDER IMPOSING LICENSE RESTRICTIONS**

21 Based on the foregoing stipulations and agreements, an Interim Order Imposing License  
22 Restrictions is hereby issued immediately imposing license restrictions on Physician's and  
23 Surgeon's Certificate No. A 61636, heretofore issued by the Medical Board of California to  
24 Respondent John Gilbert McNutt, M.D., and, accordingly, Respondent is hereby immediately  
25 ordered to comply with all of the terms, conditions and license restrictions contained in paragraph  
26 8, above. This Interim Order Imposing License Restrictions shall remain in full force and effect  
27 until issuance of a final decision by the Medical Board of California on an Accusation to be filed  
28 against Respondent, or until further order from the Office of Administrative Hearings. Any  
motion to vacate this Interim Order Imposing License Restrictions shall be filed in accordance  
with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However,

1 no such motion may be heard on an *ex parte* basis and any motion to vacate this Interim Order  
2 Imposing License Restrictions shall be served on Petitioner's counsel and filed with the Office of  
3 Administrative Hearings no less than thirty (30) business days prior to any hearing on the motion.  
4 Once served and filed, no such motion shall be decided without first affording the parties the  
5 opportunity to present oral argument.

6 IT IS SO ORDERED this 13<sup>th</sup> day of MAY, 2022.

7 *Donald P. Cole*

8 \_\_\_\_\_  
9 PRESIDING ADMINISTRATIVE LAW JUDGE